IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1582 OF 2006

Shri Rajesh Shamumal Wadhwa, .. Petitioner
Vs
Shri Kondiba Dhondu Borade and Anr Respondents

Mr V.N.Tayade, for the petitioner.
Mr P.A.Pol, APP for the respondent.

CORAM : D.B.BHOSALE, J.
DATED : 8th AUGUST, 2006

P.C.:

1. Heard the learned counsel for the petitioner and the learned APP for the respondent.

2. This petition is directed against the order dated 21.6.2006 rendered by the learned Ist Ad-hoc Addl.Sessions Judge in Criminal Revision Petition No.115 of 2005, whereby the order "issue process" passed by the learned J.M.F.C., Ulhasnagar, some time in January, 1999, was challenged by the petitioner. The complaint was filed on 8.1.1999. It appears that the evidence of the complainant commenced on 22.3.2005 and when he was being cross-examined on 6.9.2006, the petitioner prayed for deferring the cross-examination for filing revision application challenging the order passed in January, 1999. The challenge was based on some stray admissions given by the witness in the cross-examination on the basis of which Mr.Tayade, learned counsel for the petitioner, submitted that the

complainant had no authority to file the complaint. I am afraid, the challenge on such ground cannot be entertained. If challenge to the order "issue process" is entertained on the basis of some or the other admissions given in the course of cross-examination, at every stage the accused would challenge the order "issue process" and may impede the progress of the trial proceedings. The evidence of the witnesses can be appreciated at the stage of final judgment by the trial Court. In the circumstances, this petition deserves to be dismissed. Even on merits, I did not find any substance and, therefore, the writ petition is dismissed also on merits.

(D.B.BHOSALE,J.)